



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,507	10/22/2003	Vincent G. Lobdell	MCSP:101US	2228

7590 02/09/2006

S. Peter Konzel, Esq.
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221-5406

EXAMINER

NGO, LIEN M

ART UNIT PAPER NUMBER

3754

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

E

Office Action Summary	Application No.	Applicant(s)	
	10/693,507	LOBDELL, VINCENT G.	
	Examiner	Art Unit	
	LIEN TM NGO	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, 7, 8, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows (5,072,590) in view of Freeney (5,486,285) or Charbonneau et al. (5,139,666).

Burrow discloses, in figs. 2, 3 and 5, a beverage dispenser comprising an upper reservoir 22, a lower reservoir 18, a heating/cooling element 44 having semi-conducting element 29, means 14 for dispensing the liquid beverage from the lower reservoir, and thermal controls to maintain the temperature of the liquid beverage (see col.4, lines 42-47).

Freeney or Charbonneau teaches a filter element operatively arranged to be removable between the upper and lower reservoirs.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a filler element with the Burrows dispenser, as taught by Freeney or Charbonneau et al., in order to purify the dispensed liquid.

3. Claims 1, 4, 5, 7, 8, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows (5,072,590) in view Mudra et al. (5,536,396)

Burrow discloses, in figs. 2, 3 and 5, a beverage dispenser comprising an upper reservoir 22, a lower reservoir 18, a heating/cooling element 44 having semi-conducting element 29, means 14 for dispensing the liquid beverage from the lower reservoir, and thermal controls to maintain the temperature of the liquid beverage (see col.4, lines 42-47).

Mudra et al. teach a manual filled upper reservoir and a filter element operatively arranged to be removable between the upper and lower reservoirs.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Burrows dispenser with a manual filled upper reservoir and a filter element operatively arranged to be removable between the upper and lower reservoirs, as taught by Mudra et al., in order to facilitate refilling the dispensed liquid, and purify the dispensed liquid.

4. Claims 1-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows (5,192,044) in view of Burrows (5,072,590) and further in view of Mudra et al. (5,536,396).

Burrows '044 discloses, in fig.6, a beverage dispenser comprising an upper reservoir 12, a lower reservoir 56, a connecting reservoir 54, and a heating/cooling element.

Burrows '590 teaches a heating/cooling element 44 having semi-conducting element 29 and thermal controls to maintain the temperature of the liquid beverage.

Mudra et al. teach a manual filled upper reservoir with a filter element.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the beverage element of Burrows '044 with a heating/cooling element 44 having semi-conducting element 29 and thermal controls to maintain the temperature of the liquid beverage, as taught by Burrows '590, and a manual filled upper reservoir with a filter element, as taught by Mudra et al., in order to facilitate refilling, heating and cooling the dispensed liquid, and purify the dispensed liquid.

5. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows (5,192,044) in view of Burrows (5,072,590) and Mudra et al. (5,536,396) and further in view of Hancock et al. (4,940,164).

Hancock et al. teach a gas infusing into a liquid beverage of a beverage dispenser.

It would have been obvious to provide the Burrows '044 with a infusing gas arranged in the beverage dispenser in order to provide carbonated water for the beverage dispenser.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows (5,072,590) in view Mudra et al. (5,536,396) and further in view of Hancock et al. (4,940,164).

Hancock et al. teach a gas infusing into a liquid beverage of a beverage dispenser.

It would have been obvious to provide the Burrows '590 with a infusing gas arranged in the beverage dispenser in order to provide carbonated water for the beverage dispenser.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL MAR can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO
Primary Examiner
Art Unit 3754



February 6, 2006